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ABSTRACT

Immanuel Kant's idea of a will to do the right thing--to be ethical--is essentially a dead concept with both press and government. The reasons for this "ethics vacuum" are two-fold: the foundations of ethics in both circles are vague, confusing, and beset by relativism and pragmatism so that no system of ethics ever really coalesces; and neither group holds any real desire for a coherent and unified system of ethics. Journalists and government officials as a rule want ethical questions to remain unresolved. This way they never have to feel guilty or to have a definite verdict of unethical practice attached to them. Many persons in the press see themselves as serving as a check on government, while there is the evident belief among some government people that they must restrain the press from irresponsible and harmful actions. If an ethical vacuum exists in the United States, it is because that is what journalists and government officials desire. The ethical person is not really the successful person in journalism or government, and those persons who seriously want to be ethical had best stay out of both fields unless they are satisfied to live in frustrated silence. (FL)

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THE PRESS, THE GOVERNMENT, AND THE ETHICS VACUUM

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Immanuel Kant said a mouthful when he proclaimed that nothing can be called good without qualification except a Good Will. By emphasizing the Will-to-be-Ethical he demolished (or thought he did) the doctrine of utilitarianism and other teleological theories of ethics and tied morality inextricably to the agent's motives and dedication to duty. Consideration of consequences and speculation about future results of actions, said Kant, is not a rational way to proceed into the difficult, but supremely important, realm of ethics.

This view of ethics which Kant expressed is a tough one. It assigns an agent moral worth only if he acts from duty--from the recognition that he has incurred an obligation and must fulfill it. The rightness or wrongness of an action has nothing to do with its consequences. Such an ethical philosophy demands faithfulness and consistency to principle and wipes out the concept of consequences and moral determinants; therefore, any consideration of expediency disappears from the moral arena.

Kant's is a rather absolutist and formalistic theory of ethics, and it is understandable that it would not find great favor in any system which enthrones the concept of individualism, competition, and a maximum degree of personal autonomy. It is not strange, therefore, that journalists and government officials in the United States find little to their liking in Kantian ethical perspectives.

By and large, people in Press and Government conceive of ethics as prudential actions in certain circumstances which will achieve some preconceived plan of theirs--whether it is to get information from a source or to get a certain block of votes or keep certain knowledge from the public for one reason or another. What the journalists and the government officials too often do is to engage in trying to attain their ends and justifying or rationalizing the means they use. This, according, to Kant, is not ethics at all. I have found, however, in discussions at journalism conferences that, almost without exception, participants shy away from albolutes and the Kantian emphasis on "duty to principle," preferring to wallow around in relativistic and personal morality where any option they choose can be justified as the ethical one.

Little wonder there is an ethics vacuum today in American journalism and government.

Here is another of Kant's dicta that generally falls on deaf ears in American government and journalism: "So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as a means only."

How foreign this ethical principle is to the typical workaday world of the journalist and government official! The name of the game in this pragmatic world is <u>using people to achieve desired ends</u>. Whether it is getting news or getting to a source who can guide in the getting of news--or whether it is the achieving of a foreign policy--the average journalist or

government official constantly surveys the scene for persons who can help him reach his goals. A kind of Machiavellian pragmatism permeates the entire Press and Government, causing functionaries in both areas to operate consciously or unconsciously according to the dictum, "The end justifies the means."

So, actually, I am suggesting in this paper that in Press and Government there is an ethics vacuum and the reasons are really two-fold. First, the foundations of ethics in Press and Government circles are vague and confusing and are beset by relativism and pragmatism so that no system of ethics ever really coelesces. And, secondly and probably more importantly, I believe that in neither the press nor in government is there any real desire (or Will) for a coherent and unified system of ethics. Let us look a little deeper into the sad state of ethics today and deduce some reasons why there is this vacuum I have mentioned.

I

Every discussion of press ethics inevitably gets into the area of governmental news coverage. And, when government officials are talking about the ethical dimensions of their activities, it does not take long for them to turn to their relationship to journalism. Today, the press and government are manifesting at least a surface interest in the ethics of their respective institutions--and, what is more interesting, in the ethics of the other.

Perhaps this concern with ethics has arisen because public criticism--even cynicism--has broken forth in society and people

have lost faith in both institutions. The average citizen has begun to suspect that both Government and Press have abandoned a concern for public service and the public interest and have retired into their own little worlds of arrogant self-interest and power-grabbing.

The observer looking first at government in this country has no trouble understanding the growing public cynicism, and even hostility being generated. He sees his government officials engaged in shady deals of all kinds, with a few of them offered up occasionally as scapegoats for many others. He sees his elected representatives, even those at the very highest levels, surrounding themselves with rude, crude, and haughty advisers and assistants, participating in questionable acts while trying to justify them by maintaining that they are legal. A concern for legality, not ethics, is evident at every level of government. And polls show that no more than five per cent of the American people have any real faith in their government officials. People in government sense this, of course, even without the polls, but there is really no incentive for them to do anything about it. They have become complacent; they have become impressed with their own importance or with a feeling that whatever they do will make no real difference; they have lost their integrity in the process of winning and staying in office. They are seen, by and large, as self-centered and arrogant, manifesting empathy and public concern only as part of the larger political game that swirls around them. They are secure in the

belief that traditional respect for the institutions and trappings of government will protect them and they will survive in spite of the fact that they are operating in an ethics vacuum.

II

Journalists and others who are part of the mammouth institution of the Press should not take much satisfaction in the low state of Government today. The Press itself does not fare much better with the people; it may not fare as well. Increasingly, the American citizen has serious doubts about the press, about its dedication to public welfare, about its concern for truth, accuracy, and good taste; about its courage, its dedication to pluralism and diversity, and its sense of fair play and basic honesty--in short, its integrity and social responsibility.

The public increasingly sees in the press a bid for power and bigness, an insensitivity in dealing with the private--and the public--lives of citizens, a selfish and often harmful use of its considerable freedom, its defensive and often overbearing attitude, and its consistent pandering to low taste and sensationalism.

The Press sees itself in a quite different light, of course. It perceives itself as the saviour of American democracy--a sort of Watchdog-on-Government and at the same time a kind of Fourth Branch of Government. Here is the way a typical American editor might speak:

> I am the conscience of the people; I cause our nation's citizens to look deep into themselves, to see their weaknesses and their strengths, and to desire to rise to higher

> levels of achievement. I am the guardian of democracy and the supplier of information by which Americans can make intelligent decisions. I am also the watcher of big institutions--especially Government, and I keep these institutions honest and protect the interests of the people....

Such words have a hypnotic ring to them; they get into the psyche of the journalist and he begins to believe them himself. They lull him into a thoughtless and complacent sleep, from which he seldom stirs. And when he does (as is happening today), this stirring manifests itslf in a kind of defensive reaction--a superficial momentary concern with journalism's purposes, objectives, and responsibilities. This thrusts the Press people, in spite of themselves, into the area of ethics.

Journalism seminars, conventions, conferences, and workshops are hammering away today at "ethical concerns." But the hammer blows are weak and ineffectual--mainly because each one has a different kind and size hammer and few of them have really studied the basic principles of hammering. At these conferences an ethical question (e.g., Should sources of information be revealed in the stories?) is trotted out so that the convention-goers can console themselves with a little discussion. Since journalists really don't want resolution; conclusions are never reached, and every case ends as an open question to be talked about at the next conference. So, it is "ethics talk time" today for the Press--that time which comes and goes in cyclic motion throughout American history. Journalists claim to be searching for some basics to agree upon; they are writing Codes of Ethics they are looking, they say, for some moral stability. But, in

spite of renewed activity and talk, they are finding little

Instead, they are faced with a host of fundamental, but puzzling, questions--some of which follow:

What should be journalism's basic stance toward government? What are the responsibilities of the press toward government and vice versa? Where is source of such responsibilities? Why should journalism feel that it represents the people to a greater extent than does government? Why should not government be a watchdog on the press instead of the other way around? Why should the press see itself as an adversary to government instead of a friend and partner? Why should the press more than the government have to defend a "people's right to know"? Why should the press expose the inner workings of government and not those of business enterprises of the country--including the Press itself?

Inherent in such questions as just posed are several facts about American journalism. For one thing, the country's press has set itself up as a foe of government and as a friend and ally of the people. The implication, of course, is that Government is <u>not</u> a friend and ally of the people. The main reason for all this confusion is that there is really no consistent and logical philosophy of journalism or press-government symbiosis in the United States--all the high phrases of Thomas Jefferson and others notwithstanding. The old libertarian mystique about truth winning out in a free encounter with falsehood has lost much of its appeal in today's more skeptical, critical and even cynical society where increasingly a paternalistic and collectivistic value system is making significant inroads.

The press, because of the traditional strength of the First Amendment, is almost the last bastion of capitalistic power in the intellectual sector of American society. It champions the virtues of individualism, competition, pluralism, etc., even as the press itself retreats into the safe confines of the Big Corporation where competition and individualism are all but extinguished, and dull, predictable and conformist journalism spreads its faded colors and jaded voices across the land.

Indicative of the ethical malaise of the press are two notable journalistic shibboleths. Perhaps if we look at them (and there are dozens of others, also), we can understand why the press is confused every time it tries to deal with ethics and to find some meaningful moral understanding. The two I want to deal with briefly are these:

* the press and government are adversaries
* the people have a "right to know"

III

Let us look at the first one--the adversarial relationship of Press and Government. Many of the ethical problems of the press spring from this assumption: that the press must be a check on government, be a critic of government, keep the government honest, and on and on. This belief causes the press to dig and probe, snipe and snoop; it causes the press to speculate, to deal in gossip and innuendo in its attempt to unearth corruption in high places. This press concept is responsible, I believe, for the press's accentuating the negative in governmental matters--

of seldom revealing positive activities. It fosters the idea--or is the creature of the idea--that the government is necessarily and inherently evil and must be checked. And, in this little game which the press sees itself playing, the press has set itself up as the institution which must keep the government honest. Today, as an increasing number of voices are asking who checks the checker, the press falls back on its constitutional freedom guarantee, and when all the rhetoric is done, the answer from the press is essentially this: Nobody checks the checker. The press is free and autonomous. I happen to think that it should be--but only if significant numbers of journalists are constantly concerned about ethics.

What I'm saying, of course, is that the press is confused about ethics because it is confused about its freedom. It sees its freedom as endangered if it puts too much emphasis on its "responsibility." Talk of responsibility leads to obligations and duties, say the journalists, and therefore tends to restrict press freedom. So the journalists always get back to stressing press FREEDOM and de-emphasizing press RESPONSIBILITY. Most journalists, if they think about this deeply at all, see the escalated talk and concern about press responsibility as a potential danger to press freedom--and, subconsciously at least--they desire to evade it, to push it away from them, and to talk of other matters. So, it is my belief that this constant and deep antipathy to the concept of "social responsibility" keeps the press from giving much continuing and serious thought to ethics.

Of course, what the journalists could do is to recognize that the concept of "press freedom" can just as easily include the freedom to be an ally or apologist for government as to be an adversary or foe of government. In fact, when the press convinces itself that it is an adversary of government, it thereby restricts its own freedom by setting for itself a limiting role. This is really not consistent with libertarian theory, and it would seem that journalists who talk about "press freedom" would cease all this talk about the "adversary role of the press."

Another problem which impinges on ethics in this area is this: If there really is (as most journalists believe) an adversary relationship between press and government, then the press should openly and forthrightly recognize and face it. It takes at least two to be "adversaries." What the press wants of this relationship, it seems to me, is a <u>one-sided</u> battle, with the government resisting the urge to fight. In this relationship, if it is to be a truly adversarial one, the government would fight the press--be secretive, sly, devious, blunt, etc.--to the best of its ability. The press would try to get the news it wanted from government and the government would try to keep the news it wanted back from the press. This would be a true adversarial relationship: but it is one, I'm afraid, the press does not really want in spite of its pronouncements to the contrary.

IV

Now, let us turn to the other journalistic concept (that the people have a right to know) mentioned earlier. This one, too, is fraught with semantic and logical problems, and is one which causes many anxious moments for those journalists (and government officials, too) who think seriously about ethics.

The press drags this right-to-know concept out all the time. It is one of the biggest missiles in the press's arsenal, with journalists using it to justify almost any action. I even heard Walter Cronkite recently use it as a synonym for "press freedom," strange as that may seem. Many press people, obviously not comfortable with the right granted them in the First Amendment, feel they must justify their activities vis-a-vis government by appealing to a people's right to know. We're not really getting this information for ourselves, the press people seem to be saying; we're getting it for the people who have a right to know it. Therefore, you people in government are obligated to give it to us because we are representatives of the people. Isn't this strange? I always thought that the government officials were the representatives of the people, and the press people were profit-making collaborators with the capitalistic system and not representatives of anybody, really, except publishers and other media owners and managers who contend in the World of Big Business.

I won't go into a discussion here of the philosophical or legal justification for any "people's right to know." Perhaps

one can infer such a "right" from the free press clause of the Bill of Rights; many think they can. Others don't believe such a "right" has an Constitutional basis. At any rate, if there is such a right, then the press had better get its act together, for it is abridging this "right" every single day. And it is abridging it in the name of editorial self-determination or "press freedom." (How then could people like Cronkite use the two concepts synonymously?).

Journalists constantly decide what they will or will not publish; they arbitarily determine what the public will or will not know. They call this "editing," of course, or making editorial decisions. Certainly they don't call it news management--they reserve that epithet for government officials. But really it is news management; this type of activity is really what journalism is all about. And part of that management process in a free and open society is withholding news from the people. The journalists know this, and yet they persist in talking about and advocating a "people's right to know." They had best be careful about their avowed belief in such a right, for the American people one day may ask them to put up or shut up.

However you may feel about this issue--or for that matter, the earlier one on "adversary journalism," I think you can see that such concepts, well-entrenched in the traditional rhetoric of American journalism, evidence a considerable confusion in the minds of journalists about the nature of press freedom. And this leads to difficulty in developing any kind of

consistent journalistic ethics. No wonder there is an ethics vacuum in American journalism. The basic philosophical foundation stones are not very solid and the mortar holding them together is rapidly turning to powder.

V

Both government and the press are protective of their perceived "rights" and jealous of the other's transgression into secret areas. Just last month (October, 1979) Supreme Court Justice William J. Brennan, who has been a strong defender of press freedom, told off the nation's journalists in a speech in New Jersey. He charged the press with engaging in vehement, unreasonable and unintelligent attacks on the Supreme Court.

If effect, Justice Brennan was questioning the press's ethics. By being irresponsible, he said, the press is destroying its credibility on issues vital to its future welfare and to the proper functioning of government. Justice Brennan didn't say just what the "proper functioning" of government is, but--like journalists talking about their proper functions--he seemed to assume that he knows. At any rate, Justice Brennan cited--by name--newspapers that had indulged in "inaccurate reporting" of Court decisions, and he listed--by name--newspapers and newsmen whose criticism he saw as stemming from their failure to understand what the Court decided in a particular case or why it reached its decision. His main point was that the press still clings to the old concept of the First Amendment that more or

less prohibits any interference with freedom of expression. The Court, said Justice Brennan, has moved beyond that concept to use the First Amendment also to protect other things--e.g., the structure of the communicative process through which citizens exercise their right of self-government.

This statement of Justice Brennan is representative of the expanding concept of "press freedom" in this country. And, as the concept changes and expands, it naturally leads to charges and countercharges of "unethical actions." This sniping between government and the press is escalating, and the criticism on both sides is being done, of course, in the name of responsibility to the people. I would say that Justice Brennan, however confusing his rationalization might be, is largely concerned with ethics. Journalists who are appalled by the audacity of his position, are mainly concerned--not with ethics--but with freedom. Kant had more to say about the Will to be ethical than about the Will to be free, although freedom is an important consideration in ethics. Freedom, however, is not an ethical end in itself--rather, it is a means to ethical action or a necessary "given" for ethical (or unethical) action.

Like you, I have heard the press castigated by government for its power, its callousness, its defensiveness, its vulgarity, its bigness, its lack of intelligence, its distance from the people, its sensational and atypical news presentation, its inaccuracies, its lack of professionalism, and its lack of a meaningful code of ethics. I may have missed a few indictments, but you can fill in the blanks.

The press, of course, hurls most or all of these same criticisms back at Government. Both Press and Government look at ethics from a vested-interest and relativistic perspective, shying away from any absolutes and relegating ethics to particular times, circumstances, and problems. Also, it is obvious that each side is more concerned with the other's ethics than with its own; therefore, little real ethical progress is made.

The press, for its part, is so protective of its traditional idea of individualism and pluralism that it resists anything that might result in standardization or conformity--anything, of course, except a growing trend toward "groupism," chain ownership, consolidation, and the like. (But this seemingly contradictory development can be explained, perhaps, by saying that, in spite of its rhetoric of individualism, the press is really just another growth-oriented part of the Capitalistic machine.) At any rate, the Press seems to see everything beyond a strictly personal or individualized ethics as endangering diversity and, by extension, journalism freedom. (The Press always gets back to its freedom.) And, as has been said, the Press does not deny that it is a business or profit-making enterprise, one that sells a product to customers.

VI

In neither Government nor in press circles is there a strong effort being made to break through self-serving platitudes and gain any real insight into the ethical issues that beg to be dealt with. It would seem that journalists and government officials would meet and talk about critical moral

problems affecting themselves and the public at large. They do meet together occasionally, but not often. Instead, usually they meet separately and air their own grievances, defend themselves against criticism, and hurl criticisms at the other.

For example, Government, according to the journalists, is too much engaged in an elaborate system of obfuscation or "news management," designed to protect itself when threatened. It is interesting, they say, that in 1971, when CBS scratched the surface of the giant governmental information system in "The Selling of the Pentagon," the television program resulted in attacks on the network by the Vice President as well as a Congressional investigation, not of the Pentagon but of CBS. It is estimated today, point out press spokesmen, that the Federal government alone spends more than $400 million a year on programs of "public information," more than twice the combined expenditures for newsgathering by the two major wire services, the three large TV networks and the ten largest newspapers in the country. Nearly 7,000 Federal employees are engaged in creating tendentious news, far more than the number of journalists employed in Washington to report and comment on the information spewing from governmental offices.

The Government's rationale, of course, for such "news management" is that it must inform the public of government activities, protect national security, and maintain social stability. In addition to the highly structured system of public information, government employees provide the press with much additional information in the form of "leaks." For reasons

best known to themselves, government officials make a practice of feeding secrets to reporters. This practice is what Max Frankel of The New York Times has called "monstrous and hypocritical."

But the press should not feel too smug about its own role in such affairs, for reporters are usually quite willing to cooperate in their own manipulation by Government. It is quite common for journalists to report the isolated news of Government--leaks and non-leaks--as if they were related to nothing else, to a larger pattern of meaning. The press seldom tries to give the audiences the real story behind the "leaks" and, more often than not, publishes the stories without giving the names of the sources. And this in spite of the press's avowed belief in the "people's right to know." Furthermore, the press seldom questions the direction which government is taking the country. As a result, most of the real questioning of society is given over to radical voices and groups, most of whom the press treats with scorn and contempt.

Perhaps it is too much to ask for U.S. media people not only to report the American reality but to hold it together. Yet, more and more, as other social institutions default and the power of the mass media grows, that seems to be their assignment. Under the circumstances, the crucial questions they will have to answer--for themselves as well as their critics--are neither political nor professional, but moral. Ethical decisions confront the journalist at every turn. Most often the journalist looks on his decision-making as "professional" or institutionalized and deals with it as such--rather than approaching it

from a truly ethical perspective. "It's newsworthy in the traditional sense,"says the journalist, "so I'll print it." This is an example of considering journalism from a pragmatic or professional perspective instead of going to the ethical level. In fact, many reporters think they are dealing ethically with issues when they are simply reacting habitually like Pavlov's dogs.

This journalistic reflex action is understandable for several reasons. Beyond the fact, just mentioned, that the journalists in America are highly institutionalized, routinized creatures of habit, they are part of a highly competitive, capitalistic enterprise; as such they are largely concerned with doing what "works" best. Secondly, they are suspicious of "social ethics" or any group-imposed rules or any system of restraints that might cause them to lose their sense of identity and freedom. And lastly, and probably most important of all, is the fact that journalists know very little about philosophical ethics and appear not to care deeply about learning. In other words, they appear not to have what might be called the Kantian "Will to be ethical."

What has just been said about journalists can, of course, also be said of government officials. Both groups are engulfed in the daily routine of habit, tradition and pragmatics, leaving the business of morality--personal and social--to theologians and academics. And, as all of us know full well, there is a vast gulf--and little real communication--between the academic world and the worlds of government and journalism.

VII

Academic conferences, conventions, and workshops have some value in improving ethical understanding, to be sure, but we are so detached from the daily activities of government and journalism that our impact is negligible. We might better help fill the ethics vacuum if we would have more integrated conferences where we could share our ethical concerns not only with our fellow academics, but also with journalists and government officials. At least we could all get a glimpse together at how significant the ethics vacuum really is and how very far we have to go in filling it.

It might also be worthwhile if we in the academic world would engage in more criticism of the ethical performance of government and journalism. We need to have more papers, more speeches, more articles and books detailing specific ethical cases, analyzing and questioning their handling--and criticizing the ethics of their final resolution. We need to be forthright and open in this criticism, and bring our best analytical powers to bear on these important questions. For far too long the ethical dimensions of both government and journalism have been pushed over into the corners of scholarly concern.

As academic persons we should and could do more to focus an intellectual spotlight on the problems of ethics in Government and Press. But I am not really very optimistic about our willingness to confront the powers of Government and Press with their ethical weaknesses. And also, I have seen too much in the

field of journalism and have heard too many rationalizations of journalistic actions to have much hope that the press really wants to act ethically. I have reason to believe, also, that government officials are likewise fundamentally uncaring. So regardless of how much discourse we academicians may furnish from our detached perspectives about ethics, I am doubtful that much will be done. However, this is not to say that we should not try, even though the realities of the situation appear to militate against any successful solution of the growing ethical problems.

Why am I pessimistic? Because nobody in journalism or in government really wants to be told that he or she is acting unethically. Journalists and government officials as a rule want ethical questions to remain unresolved, up-in-the-air, so to speak. This way they never have to feel guilty or to have a definite verdict of unethical practice attached to them. Many persons in the press see themselves as serving as a check on government, and there is the evident belief among large numbers of government people that they must restrain the press from irresponsible and harmful actions. Where do we academics come in? Certainly we don't have the overt power exercised by either of these two institutions, but we do have considerable influence. We do enjoy the luxury of detachment and time and, if we have the will and courage, we can serve as a kind of ethical check on both government and journalism. Certainly they both enjoy watching us and commenting on our activities. Maybe it's our turn for a change.

We have an ethics vacuum in this country, to be sure. And we have one simply because that is what journalists and government officials desire. The ethical person is not really the successful person in journalism or government today; this is almost a truism, although it is seldom stated so bluntly. Those persons who seriously want to be ethical had best stay out of both fields unless they are satisfied to sit in frustrated silence on the sidelines of the game, unable to attain prominence in the hard-fought, Machiavellian battle for power, prestige, and success.

Immanuel Kant's idea of a Will to do the right thing -- to be ethical -- is essentially a dead concept with Press and Government today. So we have an ethics vacuum. And it is one which will remain with us, I am convinced, as long as the American competitive spirit militates against a strict and formalistic ethics.

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